

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FREDERICK HEINZ,

Plaintiff,

Case No. 05-CV-73470

vs.

HON. GEORGE CARAM STEEH

LELAND TESCHENDORF, et al.,

Defendants.

_____/

ORDER GRANTING PLAINTIFF'S "MOTION FOR RECONSIDERATION," (DOCKET #
46) AND ALLOWING PLAINTIFF TO FILE OBJECTIONS TO REPORT AND
RECOMMENDATION

On September 19, 2006, this court entered its order accepting the magistrate judge's report and recommendation and dismissing the plaintiff's complaint in this matter. A judgment for the defendants was filed the same day. On September 28, 2006, plaintiff Frederick Heinz filed his motion for "reconsideration" of the court's judgment, asserting he never received a copy of the magistrate's report and recommendation and therefore did not file his desired objections. He did not include his objections but did attach a sworn affidavit to that effect.

The court will allow plaintiff to file objections as though the report and recommendation were being filed on the date of this order. A copy of that report and recommendation (docket entry # 43) is attached to the plaintiff's copy of this order.

As stated in that report and recommendation, the parties to this action may object to and seek review of this Report and Recommendation, but are required to act within ten (10) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1) and

E.D. Mich. LR 72.1(d)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. Thomas v. Arn, 474 U.S. 140 (1985); Howard v. Secretary of HHS, 932 F.2d 505, 508 (6th Cir. 1991); United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981). The filing of objections which raise some issues, but fail to raise others with specificity, will not preserve all the objections a party might have to the Report and Recommendation. Willis v. Secretary of HHS, 931 F.2d 390, 401 (6th Cir. 1991); Smith v. Detroit Fed'n of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir. 1987). Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon [the] magistrate judge.

Within ten (10) days of service of any objecting party's timely filed objections, the opposing party may file a response. The response shall be no more than 20 pages in length.

IT IS SO ORDERED.

Dated: November 13, 2006

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon plaintiff and attorneys of record on November 13, 2006, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk